

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JIMMY BACA, et al.,

Plaintiffs,

vs.

Civ. No. 03-1196 WDS/RHS

QUESTA INDEPENDENT SCHOOL
DISTRICT, et al.,

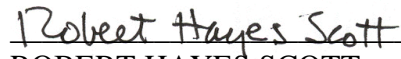
Defendants.

REPORT AND RECOMMENDATION

The above captioned cause commenced with the filing of a complaint for damages in an alleged violation of civil rights. At the time of the filing of the complaint, Plaintiffs were represented by Alan Maestas of the Herrera Law Firm in Taos, New Mexico. On June 14, 2004, I signed an order granting a motion to withdraw filed by Samuel M. Herrera. I allowed the Plaintiffs twenty days to obtain new counsel and they have not done so as of the writing of this Report. On September 23, 2004, I sent notice of the scheduled settlement conference.

Jimmy Baca and his spouse appeared for the settlement conference completely unprepared. They had not given me the required submittal relative to their position and could not tell me what they wanted at the settlement conference. Jimmy Baca's son, Nick, had been expelled from the Questa Schools after an extensive record of serious offenses including the distribution of illegal drugs. A full hearing was held complete with exhibits and testimony. Nick was present at the hearing with his father and they were free to have an attorney to represent them but failed to do so. The proceedings were tape recorded.

At this time, Nick is now over the age of 18 and is considered a legal adult. It is the undersigned's respectful opinion that an order should be entered allowing the Plaintiffs thirty days from November 15, 2004, in which to file a motion to substitute Plaintiffs and allow Nick the ability to pursue the lawsuit if he so desires. In the alternative, if there is no substitution, I recommend that the case be dismissed with prejudice. Jimmy Baca was unable to give me a physical address for his son Nick other than to state that Nick was living with his biological mother. I was given a contact telephone number of 505-586-1197.



ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE